

# United States Patent and Trademark Office



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/886,395	06/22/2001	Christophe Dauga	P 0281180 B00/1600US	4258	
909	7590 07/31/2002				
PILLSBURY WINTHROP, LLP			EXAMINER		
P.O. BOX 10500 MCLEAN, VA 22102			SHAW, SHAWNA JEANNINE		
			ART UNIT	PAPER NUMBER	
			3737		
			DATE MAILED: 07/31/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

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		Applicant(s)	- 0
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	09/886,395	Art Unit	
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Disposition of Claims  4) Claim(s) 1-14 is/are pending in the appropriate the shows claim(s) is/are to	olication.	tion.	
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5)☐ Claim(s) ————————————————————————————————————			
6) Claim(s) 1-12 is/are rojected to. 7) Claim(s) 13 and 14 is/are objected to. 8) Claim(s) are subject to restrict	and/or election require	ement.	
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15) Acknowledgment is made		4) Interview Summary	Patent Application (PTO-152)
		5) Notice of Information	
Attachment(s)  1) Notice of References Cited (PTO-892)  1) Notice of Draftsperson's Patent Drawing 2) Notice of Draftsperson's Patent Drawing 2) Solver Statement(s) (PTO	Review (PTO-948)	6) Other:	Part of Paper N
1) Notice of References Cited (FTO can be applied by Notice of Draftsperson's Patent Drawing 2) Notice of Draftsperson's Patent Drawing 3) Information Disclosure Statement(s) (PTO can be applied by Notice of References Cited (FTO can be applied by Notice of References Cited (FTO can be applied by Notice of References Cited (FTO can be applied by Notice of References Cited (FTO can be applied by Notice of References Cited (FTO can be applied by Notice of References Cited (FTO can be applied by Notice of References Cited (FTO can be applied by Notice of References Cited (FTO can be applied by Notice of References Cited (FTO can be applied by Notice of Draftsperson's Patent Drawing (PTO can be applied by Notice of Dr	0-1449) Paper NO(5) 1 .		Lattor.
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US Patent and Trademark Office PTO-326 (Rev 04-01)

Application/Control Number: 09/886,395

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#### **DETAILED ACTION**

### **Drawings**

1. The drawings are objected to because the boxes in the figures should be labeled.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

## Claim Objections

- 2. Claims 6-8, 13 and 14 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only, and/or, cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.
- 3. Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 10 fails to set forth any method steps.

## Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1 line 2, "a polarization analyzer element or analyzer" is indefinite in that it is unclear which is being claimed. In claim 5, it is unclear what is meant by "substantially the same as the solar spectrum."

# Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

the treaty defined in section 351(a).

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under
- 7. Claims 1-5 and 9-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Shiratori et al.

Shiratori et al. teaches an analyzer for examining a surface (23) comprising: a source of polarized light (21, 22), a polarization filter (25), means for taking digital images (24) and a processing unit (20) capable of calculating the brightness and intensity of a plurality of points on the surface from pixels in the digital images (col. 7 line 66 – col. 8 line 6 and col. 8 lines 25-35). Shiratori et al. further teaches wherein the light source may employ visible monochromatic light or white light (col. 8 lines 7-10).

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### Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawna J. Shaw whose telephone number is (703) 308-2985. The examiner can normally be reached on 9:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on (703) 308-3256. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 308-0758 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

Shawna J. Shaw Patent Examiner

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7/26/02